

PART III.

AMENDMENT OF LAND LAW ACTS.

19. Hearing of fair rent application not to be postponed.
20. Amendment of law as to method of eviction.
21. Alteration of statutory term.
22. Abolition of landlord's right of pre-emption.
23. Presumption as to improvements.
24. Future tenancies.

PART IV.

MISCELLANEOUS.

25. Construction.
26. Definition.
27. Rules and forms.
28. Short title.
29. Commencement of Act.

SCHEDULE.

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B I L L

TO

Amend the Land Law (Ireland) Acts.

A.D. 1907.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

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PART I.

LAND PURCHASE.

1.—(1) In the case of an agreement for the sale of an estate, to the Land Commission or otherwise, under the Land Purchase Acts, where an application for an advance is made in the prescribed form, the Land Commission may, subject to the limitations on the amount of advances in the Land Purchase Acts, advance the whole or part of the purchase money if they are satisfied with the security and are of opinion, after giving all persons interested in the estate and the tenants an opportunity of being heard, that the agreed price is equitable, having regard to the interests of all such persons as aforesaid and the tenants and to all the circumstances of the case.

Sanction of advances and abolition of zones.

(2) Where the Land Commission have sanctioned such advance or any part thereof, they may, unless the agreement otherwise provides, purchase such estate, and shall sell to the tenants thereon their respective holdings at the prices and on the conditions mentioned in the agreement.

(3) This section shall apply both to sales where agreements to purchase have been executed, but no vesting orders have been issued or fiat made prior to the passing of this Act, and to sales where agreements shall be executed after the passing of this Act.

(4) This section shall apply whether any action, suit, matter, or proceeding relative to the estate is pending in any court or not.

[Bill 12.]

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A.D. 1907.

(5) Subject to the provisions of this Act, where the provisions of this section are applicable they shall be exercised by and be binding on the Land Commission.

(6) Subsections (1), (2), (3), and (5) of section one and section five of the Act of 1903 shall be and the same are hereby 5 repealed.

Compulsory
sale and
purchase.

2.—(1) Where there is a failure to enter into an agreement under section one of this Act and where the owner of an estate or tenants of holdings on the estate of not less than three-fourths in number apply, in the prescribed form, to the Land Commission, requesting them to inquire into the circumstances of the estate with a view to the sale or purchase thereof, as the case may be, under the Land Purchase Acts, the Land Commission shall, after giving all persons interested in the estate and the tenants an opportunity of being heard, determine the price at and the 15 conditions on which each holding on the estate shall be sold.

(2) In determining the price aforesaid the Land Commission shall have regard to—

- (a) the sufficiency of the security for the advance;
- (b) the interests of the several persons interested and the 20 tenant as aforesaid; and
- (c) the limitations on the amount of advances contained in the Land Purchase Acts.

(3) When the Land Commission shall have determined such price as aforesaid and certified the same in the prescribed form, 25 such certificate shall operate as an agreement between the owner and the Land Commission on which a fiat within the meaning of section thirty-two of the Act of 1896 has been made, and shall vest the estate in the Land Commission.

(4) Where an estate is vested in the Land Commission 30 under this section, the Land Commission may order that the tenants on the estate or such of them as they may determine shall be deemed to have purchased their respective holdings at the prices and on the conditions in the certificate mentioned, and such order shall operate as a vesting or fiat within the 35 meaning of section thirty-two of the Act of 1896.

(5) This section shall apply whether any action, suit, matter, or proceeding relative to the estate is pending in any court or not.

3.—(1) In addition to the power conferred upon them by section eight of the Act of 1903, the Land Commission, for the purpose of providing parcels of land for any of the persons mentioned in section two of the said Act, and for agricultural labourers as defined by the Labourers (Ireland) Act, 1883, and by the Act of 1903, may purchase any untenanted land not being land purchased under the Land Purchase Acts, or may purchase any tenanted land on which the tenant does not actually reside or which does not adjoin or is not ordinarily used in conjunction with the holding on which he so resides, and on which a fair rent cannot be fixed under the Land Law Acts, and the provisions of the Act of 1903 with respect to advances for the purchase of parcels of land comprised in estates shall apply in the case of the sale by the Land Commission of any parcel of land purchased under this section.

A.D. 1907.

Additional power of purchase to Land Commission.

(2) Where the purchase of any land under this section cannot be effected by agreement, the provisions of subsections (2) and (3) of section two of this Act with respect to the determination of the price at which an estate shall be sold and the making of the certificate therein mentioned shall apply so far as the same are applicable.

(3) For the purpose of sales by the Land Commission of land purchased under this section and under section eight of the Act of 1903, the word "ten" shall be substituted for "five" in section two (1) (c) of the Act of 1903.

4.—(1) On the sale of an estate to the Land Commission or to tenants or others sporting rights as defined in section thirteen, subsection two, of the Act of 1903, whether the same be in the possession or enjoyment of the vendor at the time of the sale or not, shall be conveyed to the purchaser: Provided that the purchaser may agree that such rights shall be reserved to the vendor for his life.

Amendment of law as to sale and purchase of sporting rights.

(2) Where before the passing of this Act a lease or grant of such sporting rights as aforesaid has been made, such lease or grant shall on such sale as aforesaid be deemed to be a superior interest within the meaning of section thirty-one of the Act of 1896.

(3) Any provision in section thirteen or section ninety-nine of the Act of 1903 so far as the same may be inconsistent with this section and subsection (1) (b) of section sixteen of the Act of 1903 shall be and the same are hereby repealed.

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A.D. 1907.

Amended
provision as
to mineral
rights.

5. The provision in section ninety-nine of the Act of 1903 as to mineral rights, so far as the same affects the right of digging and searching for and taking any stone, gravel, sand, or clay, is hereby repealed and instead thereof it is enacted as follows:—

- (1) The Act of 1903 shall not affect any lease or grant of 5
mineral rights made by the vendor or his predecessors
in title before the date of this Act: Provided, however,
that such lease or grant shall be deemed to be a superior
interest within the meaning of section thirty-one of the
Act of 1896. 10
- (2) This section shall not apply where any quarry is being
worked or developed by the vendor at the time of
sale.
- (3) The proviso to subsection (3) of section thirteen of the
Act of 1903 shall be and the same is hereby repealed. 15

Power of
Land Com-
mission to
determine
disputes.

6.—(1) The power conferred on the Land Commission by section thirty-one of the Act of 1891 and by section twenty-two of the Act of 1903 of determining the disputes therein mentioned may be exercised on the application, in the prescribed form, of any of the parties to any such dispute. 20

(2) This section shall apply, in addition to the cases mentioned in the said two sections, in all cases where agreements to purchase shall be executed after *the passing of this Act*, or where vesting orders have been issued or flats made before *the passing of this Act*, whether the agreement to purchase in any case so 25 provides or not.

Repeal of pro-
viso to s. 12,
of 3 Edw. 7
c. 37.

7. The second proviso in section twelve of the Act of 1903 shall be and the same is hereby repealed.

Amendment of
law as to pur-
chase powers
of Land Com-
mission.

8. Subsection (4) of section six of the Act of 1903 shall be read and construed as if the words "with the consent of the 30 owner" were omitted therefrom.

Preserva-
tion of
woods and
plantations.

9. On the sale under the Land Purchase Acts of any land by the Land Commission, or of any land comprised in an estate by the owner of the estate, there shall, if the Commission think fit, be reserved to the Land Commission in the prescribed manner 35 all woods and plantations, and the same shall be disposed of by the Commission as may hereafter be directed by Parliament.

Offer of
Land Com-
mission to
purchase to

10.—(1) Notwithstanding anything in the Land Purchase Acts, where an order for the sale of any estate or portion of any estate or of any interest therein, except a tenancy in possession has 40

been or shall be made under the Landed Estates Court (Ireland) Act, 1858, or by any judge of the Chancery Division, or by the judge of the King's Bench Division (Bankruptcy), and the Land Commission make to the court or judge by whom such order has been made an offer for the purchase of such estate or such portion of an estate, such offer shall be accepted.

A.D. 1907.

be accepted
in certain
cases.

(2) Any such court or judge as aforesaid shall, at the request of the Land Commission, cause the Commission to be furnished with such particulars and documents in relation to the estate as are mentioned in section seven (1) of the Act of 1903.

(3) The proceedings for sale consequent upon the acceptance of any such offer may be transferred by the court or judge (other than the land judge) who made the order for sale to the land judge of the Chancery Division, who shall carry on such proceedings as if an offer had been made by the Land Commission to and accepted by him in a matter pending in his court where he had made an order for sale under the Landed Estates Court (Ireland) Act, 1858.

11. Where there is no person having power under or authorised by the Land Purchase Acts or by any other Act to sell an estate under this Act, the Land Commission may, by order, on the application of any person interested in the estate or of any tenant on the estate, nominate, on such conditions as they may think fit, some person or persons interested in the estate to be such owner for the purposes of such sale, and such person or persons so nominated as aforesaid shall be deemed to be and have powers of the owner or owners for the purposes of sale accordingly; and this section shall apply whether any action, suit, matter, or proceeding relative to the estate is pending in any court or not.

Power to
nominate
owner for
sale in
certain
cases.

12. Neither the purchase money of a holding purchased under section one of this Act, nor the price determined under section two of this Act, shall include any sum of money as for arrears of rent of a holding: Provided that, where the rent of a holding is more than one year in arrear, one year's arrear of the rent of that holding may be so included.

Provision
against
inclusion of
more than
one year's
arrear of rent
in purchase
money.

13. Subsection (3) of section fifteen of the Act of 1903 shall be and the same is hereby repealed, and instead thereof it is hereby enacted that the provisions of subsections one and two of section fifteen of the said Act shall apply whether any intervening interest is an interest sufficient to constitute the owner thereof the person having power under the Land Purchase Acts to tenants or not.

Redemption
of middle
interests in
certain
cases.

A.D. 1907.

Alteration of
law as to
distribution
of Land
Purchase
Aid Fund.

14.—(1) For the purpose of aiding the sale of estates to the Land Commission or to the Congested Districts Board under the Land Purchase Acts the Land Commission may, in the prescribed manner and at the prescribed time, out of advances by the National Debt Commissioners from the Land Purchase Aid Fund, pay to the vendor of each estate sold a percentage calculated according to the scale set forth in the schedule to this Act: Provided that the Land Commission or the Congested Districts Board, as the case may be, may add to such percentage such further percentage as they may think fit in the case of sales of congested estates. 5 10

(2) Subsection (1) of section forty-eight of the Act of 1903 shall be and the same is hereby repealed as from the fifteenth day of April, nineteen hundred and seven.

(3) Nothing in this section shall affect sales under agreements executed prior to the fifteenth day of April, nineteen hundred and seven. 15

Land Com-
mission to
mean the
Estates Com-
missioners.

15. The jurisdiction, powers, and duties of the Land Commission under this Part of this Act shall be exercised and performed exclusively by the Estates Commissioners.

PART II.

20

CONGESTED DISTRICTS BOARD.

Power to
schedule
additional
districts as
congested
districts.

16. Subsection (2) of section thirty-six of the Act of 1891 shall be deemed to be amended by the substitution of the words "twenty years" for the words "one year" therein mentioned, and the expression "electoral division" in the said subsection shall have the same meaning as in the Local Government (Ireland) Act, 1898. 25

Power of
compulsory
purchase.

17.—(1) Where the Congested Districts Board shall think it expedient so to do, or an application in the prescribed form shall be filed with them requesting them to inquire into the circumstances of an estate with a view to the purchase thereof, the said Board shall, after giving all persons interested in the estate and the tenants an opportunity of being heard, determine the price at and the conditions on which the estate shall be purchased by them. 30 35

(2) In determining the price aforesaid the Board shall have regard to—

(a) The sufficiency of the security;

(b) The interests of the several persons interested as aforesaid and the tenants as aforesaid. 40

(3) When the said Board shall have determined such price as aforesaid and certified the same in the prescribed form, such certificate shall operate as an agreement between the owner and the said Board, and shall vest the estate in the said Board in the same manner as an estate is vested in the Land Commission under section two, subsection (3), of this Act.

A.D. 1907.

(4) Subsections (4) and (5) of section two of this Act, shall apply in the case of a purchase by the said Board, but subject to the right of the Board to re-sell, re-distribute, and improve the holdings or any of them on such estate on such equitable terms (if any) as the Board shall deem fit.

18.—(1) In addition to the power conferred upon them by any Act of Parliament, the Congested Districts Board may, for the purposes of the Congested Districts Board Acts or any of the said purposes, purchase any untenanted land or any land on which the tenant thereof does not actually reside, and is not ordinarily used with or does not adjoin the holding in which he so resides, and on which a fair rent cannot be fixed under the Land Law Acts, and whether the same untenanted land or land on which the tenant thereof does not reside is within or without any congested district.

Additional powers to purchase untenanted land.

(2) Where the purchase of any land under this section cannot be effected by agreement, the provisions of subsections (2) and (3) of section two of this Act with respect to the determination of the price at which an estate shall be sold and the making and operation of the certificate there mentioned shall apply, so far as the same are applicable.

PART III.

AMENDMENT OF LAND LAW ACTS.

19. The hearing of an application to fix a fair rent of a holding shall not be postponed merely on the ground that an agreement for the purchase of the holding under the Land Purchase Acts has been executed, but interest only in lieu of rent as provided by the agreement shall continue to be paid.

Hearing of fair rent application not to be postponed.

20. Section seven of the Act of 1887 shall be and the same is hereby repealed.

Amendment of law as to method of eviction.

21. Subsection (3) of section eight of the Act of 1881 shall be amended by the substitution of the word "ten" for the word "fifteen" in the said subsection.

Alteration of statutory term.

A.D. 1907.

Abolition of
landlord's
right of pre-
emption.Presumption
as to im-
provements.Future
tenancies.

22. Subsection (3) of section one of the Act of 1881 shall be and the same is hereby repealed.

23. Notwithstanding anything in the Land Law Acts, all the improvements on a holding shall be deemed to have been made by the tenant or his predecessors in title till the contrary is proved.

24.—(1) Where a tenancy in a holding was a present tenancy prior to *the passing of this Act*, but ceased to be a present tenancy after the passing of the Act of 1887, a fair rent may, notwithstanding anything to the contrary in the Land Law Acts, be fixed by the Land Commission on the whole or portion or portions of the lands comprised in such tenancy: Provided—

- (a) that the person or persons in possession of the lands comprised in such tenancy, or of such portion or portions thereof, whether as caretaker or otherwise, is at the date of the passing of this Act the person who was in such possession when the tenancy ceased to be a present tenancy as aforesaid, or is a person who would (had such tenancy not ceased to be a present tenancy) be entitled to such present tenancy, or to a share thereof, by bequest or as one of the next-of-kin or a descendant of one of the next-of-kin of the person who was in possession of such lands at the date when such tenancy ceased to be a present tenancy; and
- (b) that if there are more such persons than one in possession, the Land Commission may, by order, determine at or within twelve months after the date of the order fixing the fair rent, which of such persons shall be the tenant of such lands or such portion or portions thereof as aforesaid and what are the rights (if any) of such persons in such possession as between themselves, and such determination shall be binding and conclusive, and, if no such determination is made within the time aforesaid, then the person or persons making the fair rent application shall be absolutely entitled as tenant or tenants in common, as the case may be, of such lands.

PART IV.

MISCELLANEOUS.

Construc-
tion.

25.—(1) Part one of this Act shall be construed as one with the Land Purchase Acts and may be cited with those Acts.

(2) Part two of this Act shall be construed as one with the Congested Districts Board Acts and may be cited with those Acts. A.D. 1907.

(3) Part three of this Act shall be construed as one with the Land Law (Ireland) Acts, and may be cited with those Acts.

5 **26.** The expression "the Act of 1881" means the Land Law (Ireland) Act, 1881: Definition.

The expression "the Act of 1887" means the Land Law (Ireland) Act, 1887:

10 The expression "the Act of 1891" means the Purchase of Land (Ireland) Act, 1891:

The expression "the Act of 1896" means the Land Law (Ireland) Act, 1896:

The expression "the Act of 1903" means the Irish Land Act, 1903:

15 The expressions "the Land Purchase Act," "the Congested Districts Board Act," and "the Land Law Acts," shall have the same meanings as they respectively have in the Act of 1903:

20 The expression "estate" in Part I. of this Act means any lands which the Estates Commissioners may declare fit to be regarded as a separate estate for the purposes of this Act, and the said expression in Part II. of this Act has the same meaning, with the substitution of the Congested Districts Board for the Estates Commissioners.

25 The expression "the Chancery Division" means the Chancery Division of the High Court of Justice in Ireland:

The expression "the King's Bench Division (Bankruptcy)" means the King's Bench Division (Bankruptcy) of the High Court of Justice in Ireland.

30 **27.—(1)** The Estates Commissioners may from time to time, subject to the approval of the Lord Lieutenant and after consultation with the President of the Incorporated Law Society of Ireland, make rules for carrying into effect the provisions of Part I. of this Act, and such rules shall, among other things, provide for the making of such investigations and the performance of such other duties as may be requisite and necessary for such purpose, and may limit the costs and expenses of persons applying to the Land Commission, and the expressions "prescribed" and "prescribed form" in this Act mean, unless the context otherwise requires, prescribed by such rules as aforesaid. Rules and forms.

- A.D. 1907. (2) The provisions of the foregoing subsection shall apply for the purpose of carrying into effect the provisions of Part II. of this Act, with the substitution of the Congested District Board for the Estates Commissioners.
- Short title. 28. This Act may be cited as the Irish Land Act, 1907. 5
- Commencement of Act. 29. This Act shall come into operation on the passing thereof.

SCHEDULE.

A.D. 1907.

Amount of Purchase Money.						Percentage.
Not exceeding 15 years' purchase of the rental of the estate						75 per cent.
5	Exceeding 15 years' purchase, but not exceeding 16 years' purchase of the rental of the estate					74
	16	"	"	"	17	73
10	"	17	"	"	18	72
	"	18	"	"	19	71
	"	19	"	"	20	70
	"	20	"	"	21	69
	"	21	"	"	22	68
	"	22	"	"	23	67
Exceeding 23 years' purchase of the rental of the estate						66

